

by the clerk of the court; and the Board shall thereupon file in the court the record, if any, upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code."

Sec. 19. (a) Subsection (a) of section 19 of the Natural Gas Act (52 Stat. 831), is amended by inserting at the end thereof an additional sentence reading as follows: "Until the record in a proceeding shall have been filed in a court of appeals, as provided in subsection (b), the Commission may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it."

(b) The second and third sentences of subsection (b) of section 19 of the Natural Gas Act (52 Stat. 831), are amended to read as follows: "A copy of such petition shall forthwith be transmitted by the clerk of the court to any member of the Commission and thereupon the Commission shall file with the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have jurisdiction, which upon the filing of the record with it shall be exclusive, to affirm, modify, or set aside such order in whole or in part."

Sec. 20. (a) The first and second sentences of paragraph (2) of subsection (1) of section 408 of the Federal Food, Drug, and Cosmetic Act, as added by the act of July 22, 1954 (ch. 559, 68 Stat. 515), are amended to read as follows:

"(2) In the case of a petition with respect to an order under subsection (d) (5) or (e), a copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part."

(b) The first and second sentences of paragraph (3) of subsection (1) of section 408 of the Federal Food, Drug, and Cosmetic Act, as added by the act of July 22, 1954 (ch. 559, 68 Stat. 515), are amended to read as follows:

"(3) In the case of a petition with respect to an order under subsection (1), a copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary of Agriculture, or any officer designated by him for that purpose, and thereupon the Secretary shall file in the court the record of the proceedings on which he based his order, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have exclusive jurisdiction to affirm or set aside the order complained of in whole or in part."

Sec. 21. The third sentence of paragraph (1) of subsection (f) of section 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055), as amended, is amended to read as follows: "The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28, United States Code."

Sec. 22. The second and third sentences of subsection (a) of section 10 of the Fair Labor Standards Act of 1938 (52 Stat. 1065), as amended, are amended to read as follows: "A copy of such petition shall forthwith be transmitted by the clerk of the court to the Secretary, and thereupon the Secretary shall file in the court the record of the industry committee upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set

aside such order in whole or in part, so far as as it is applicable to the petitioner."

Sec. 23. The fourth, fifth, sixth, and eighth sentences of subsection (f) of section 5 of the Railroad Unemployment Insurance Act, as amended (52 Stat. 1100), are amended to read as follows: "Within 15 days after receipt of service, or within such additional time as the court may allow, the Board shall file with the court in which such petition has been filed the record upon which the findings and decision complained of are based, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have exclusive jurisdiction of the proceeding and of the question determined therein, and shall give precedence in the adjudication thereof over all other civil cases not otherwise entitled by law to precedence. It shall have power to enter a decree affirming, modifying, or reversing the decision of the Board, with or without remanding the cause for rehearing. \* \* \* No additional evidence shall be received by the court, but the court may order additional evidence to be taken before the Board, and the Board may, after hearing such additional evidence, modify its findings of fact and conclusions and file such additional or modified findings and conclusions with the court, and the Board shall file with the court the additional record."

Sec. 24. (a) Subsection (c) of section 409 of the Federal Seed Act (53 Stat. 1287), is amended to read as follows:

"(c) Until the record in such hearing has been filed in a court of appeals as provided in section 410, the Secretary of Agriculture at any time, upon such notice and in such manner as he deems proper, but only after reasonable opportunity to the person to be heard, may amend or set aside the report or order, in whole or in part."

(b) The second and third paragraphs of section 410 of the Federal Seed Act (53 Stat. 1288), are amended to read as follows:

"The clerk of the court shall immediately cause a copy of the petition to be delivered to the Secretary, and the Secretary shall thereupon file in the court the record in such proceedings, as provided in section 2112 of title 28, United States Code. If before such record is filed, the Secretary amends or sets aside his report or order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, on notice to the Secretary."

"At any time after such petition is filed the court, on application of the Secretary, may issue a temporary injunction restraining, to the extent it deems proper, the person and his officers, directors, agents, and employees from violating any of the provisions of the order pending the final determination of the appeal."

(c) The first and second sentences of section 411 of the Federal Seed Act (53 Stat. 1288), are amended to read as follows:

"Sec. 411. If any person against whom an order is issued under section 409 fails to obey the order, the Secretary of Agriculture, or the United States, by its Attorney General, may apply to the court of appeals of the United States, within the circuit where the person against whom the order was issued resides or has his principal place of business, for the enforcement of the order, and shall file the record in such proceedings, as provided in section 2112 of title 28, United States Code. Upon such filing of the application the court shall cause notice thereof to be served upon the person against whom the order was issued."

Sec. 25. The second and third sentences of subsection (a) of section 43 of the Investment Company Act of 1940, as amended (54 Stat. 844), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission or any officer thereof designated by the Com-

mission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction, to affirm, modify, or set aside such order, in whole or in part."

Sec. 26. The second and third sentences of subsection (a) of section 213 of the Investment Advisers Act of 1940, as amended (54 Stat. 855), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to any member of the Commission, or any officer thereof designated by the Commission for that purpose, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition such court shall have exclusive jurisdiction to affirm, modify, or set aside such order, in whole or in part."

Sec. 27. (a) The third sentence of paragraph (1) of subsection (b) of section 632 of the act of July 1, 1944, as added by the Hospital Survey and Construction Act (60 Stat. 1048), is amended to read as follows:

"The Surgeon General shall thereupon file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code."

(b) The first sentence of paragraph (2) of subsection (b) of section 632 of the act of July 1, 1944, as added by the Hospital Survey and Construction Act (60 Stat. 1048), is amended to read as follows:

"(2) The findings of fact by the Surgeon General, unless substantially contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Surgeon General to take further evidence, and the Surgeon General may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings."

Sec. 28. The fourth sentence of subsection (c) of section 205 of the Sugar Act of 1948 (61 Stat. 927), is amended to read as follows: "Within 30 days after the filing of said appeal the Secretary shall file with the court the record upon which the decision complained of was entered, as provided in section 2112 of title 28, United States Code, and a list of all interested persons to whom he has mailed or otherwise delivered a copy of said notice of appeal."

Sec. 29. The second and third sentences of subsection (a) of section 14 of the Internal Security Act of 1950 (64 Stat. 1001), are amended to read as follows: "A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the Board shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction of the proceeding and shall have power to affirm or set aside the order of the Board; but the court may in its discretion and upon its own motion transfer any action so commenced to the United States Court of Appeals for the circuit wherein the petitioner resides."

Sec. 30. (a) Subsection (e) of section 110 of the Internal Security Act of 1950 (64 Stat. 1028), is amended to read as follows:

"(e) Until the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time, upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it."

(b) The third and fifth sentences of subsection (c) of section 111 of the Internal Security Act of 1950 (64 Stat. 1028), are amended to read as follows: "The Board shall thereupon file in the court the record

of the proceedings before the Board with respect to the matter concerning which judicial review is sought, as provided in section 2112 of title 28, United States Code. \* \* \* Upon the filing of such petition the court shall have jurisdiction of the proceeding, which upon the filing of the record with it shall be exclusive, and shall have power to affirm, modify, or set aside, or to enforce or enforce as modified the order of the Board."

(c) The first sentence of subsection (d) of section 111 of the Internal Security Act of 1950 (60 Stat. 1029), is amended to read as follows:

"(d) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board or its hearing examiner, the court may order such additional evidence to be taken before the Board or its hearing examiner and to be made a part of the record."

Sec. 31. (a) Section 6 of the act of December 29, 1950 (64 Stat. 1130), is amended to read as follows:

"Sec. 6. Unless the proceeding has been terminated on a motion to dismiss the petition, the agency shall file in the office of the clerk of the court of appeals in which the proceeding is pending the record on review, as provided in section 2112 of title 28, United States Code."

(b) The second sentence of subsection (c) of section 7 of the act of December 29, 1950 (64 Stat. 1131), is amended to read as follows: "The agency may modify its findings of fact, or make new findings, by reason of the additional evidence so taken and may modify or set aside its order and shall file in the court such additional evidence, such modified findings or new findings, and such modified order or the order setting aside the original order."

Sec. 32. The second and third sentences of subsection (b) of section 208 of the Federal Coal Mine Safety Act, as amended (66 Stat. 702), are amended to read as follows: "Upon receipt of such copy of a notice of appeal the Board shall file in such court the record upon which the order complained of was made, as provided in section 2112 of title 28, United States Code. The costs of certifying and filing such record shall be paid by the party making such appeal."

Sec. 33. The fifth and sixth sentences of subsection (b) of section 207 of the International Claims Settlement Act of 1949, as amended (69 Stat. 364), are amended to read as follows: "Such petition for review must be filed within 60 days after the date of mailing of the final order of denial by said designee and a copy shall forthwith be transmitted to the said designee by the clerk of the court. Within 45 days after receipt of such petition for review, or within such further time as the court may grant for good cause shown, said designee shall file an answer thereto, and shall file with the court the record of the proceedings with respect to such claim, as provided in section 2112 of title 28, United States Code."

Sec. 34. The second and third sentences of section 9 of the Bank Holding Company Act of 1956 (70 Stat. 133) are amended to read as follows: "A copy of such petition shall be forthwith transmitted to the Board by the clerk of the court, and thereupon the Board shall file in the court the record made before the Board, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm, set aside, or modify the order of the Board and to require the Board to take such action with regard to the matter under review as the court deems proper."

Sec. 35. This act shall not be construed to repeal or modify any provision of the Administrative Procedure Act.

With the following committee amendments:

Page 2, line 8, strike out "rules" and insert "rules, which so far as practicable shall be uniform in all such courts."

Page 2, line 12, strike out "in which" and insert "to the extent that."

Page 2, line 20, after "proceeding," change the period to a comma and add "and such filing of such certified list of the materials comprising the record and such subsequent transmittal of any such materials when and as required shall be deemed full compliance with any provision of law requiring the filing of the record in the court."

Page 2, line 21, after "for," add "and transmitted to."

Page 3, line 2, after "which," strike out "in its judgment the proceedings may be carried on with the greatest convenience to all the parties involved" and insert "a proceeding with respect to such order was first instituted."

Page 3, line 6, after "filed," add "For the convenience of the parties in the interest of justice such court may thereafter transfer all the proceedings with respect to such order to any other court of appeals."

Page 4, line 11, strike "necessary" and insert "proper."

Page 4, line 15, strike "If the rules of the court of appeals in which a proceeding is pending do not require the printing of the entire record in that court the" and insert "The."

Page 4, line 19, after "subsection" insert "and if so requested by the petitioner for review or respondent in enforcement shall."

Page 5, line 13, at the end of the line strike "proceedings" and insert "or enforcement proceedings."

Page 5, between lines 13 and 14, insert a new subsection:

"(d) The provisions of this section are not applicable to proceedings to review decisions of the Tax Court of the United States or to proceedings to review or enforce these orders of administrative agencies, boards, commissions, or officers which are by law reviewable or enforceable by the district courts."

Page 6, line 10, after "therein," insert "concurrently with the Commission until the filing of the record."

Page 7, line 21, after "therein," strike the comma and insert "concurrently with the Commission or Board until the filing of the record."

Page 9, line 16, after "Subsections," strike "(b) and (c)" and insert "(b), (c), and (d)".

Page 10, between lines 8 and 9, insert a new subsection:

"(d) The evidence so taken or admitted, and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way."

Page 10, line 20, strike "third sentence" and insert "third and fourth sentences."

Page 10, line 21, strike out "is" and insert "are".

Page 11, line 3, after "Code," add "The testimony and evidence taken or submitted before the said Commission, duly filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case."

Page 12, lines 18 and 19, strike "exclusive jurisdiction," and insert "jurisdiction, which upon the filing of the record shall be exclusive."

Page 14, line 21, strike "members" and insert "member."

Page 14, line 23, strike "members" and insert "member."

Page 16, line 21, strike "exclusive jurisdiction" and insert "jurisdiction, which upon the filing of the record shall be exclusive."

Page 17, line 5, strike "find" and insert "finding."

Page 17, line 6, after "it," strike the period and insert "under the provisions of this act."

Page 17, line 22, strike "Board" and insert "Commission."

Page 17, line 23, strike "Board" and insert "Commission."

Page 17, line 24, strike "Board" and insert "Commission."

Page 18, line 22, after "it," strike the period and insert "under the provisions of this act."

Page 19, line 18, after "in," insert "the court."

Page 20, line 13, strike "The third sentence" and insert "(a) The second and third sentences."

Page 20, line 15, strike "is" and insert "are."

Page 20, line 16, after "follows," insert "A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose."

Page 20, between lines 19 and 20 insert the following paragraph:

"(b) The first sentence of paragraph (3) of subsection (f) of section 701 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1055), as amended, is amended to read as follows: 'Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently.'"

Page 22, line 13, after "The" strike "second and third" and insert "second, third, and fourth."

Page 23, between lines 4 and 5, insert a new paragraph as follows:

"The evidence so taken or admitted and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in such cases in the court of appeals shall be made a preferred cause and shall be expedited in every way."

Page 24, line 4, strike "exclusive jurisdiction" and insert "jurisdiction, which upon the filing of the record shall be exclusive."

Page 24, lines 15 and 16, strike "exclusive jurisdiction" and insert "jurisdiction, which upon the filing of the record shall be exclusive."

Page 24, line 18, after "(a)" strike "The third sentence of paragraph" and insert "Paragraph."

Page 24, line 21, after the colon insert the following subsection:

"(b) (1) If the Surgeon General refuses to approve any application under section 625 or section 654, the State agency through which the application was submitted, or if any State is dissatisfied with the Surgeon General's action under subsection (a) of this section, such State may appeal to the United States court of appeals for the circuit in which such State is located by filing with such court a notice of appeal. The jurisdiction of the court shall attach upon the filing of such notice. A copy of the notice of appeal shall be forthwith transmitted by the clerk of the court to the Surgeon General, or any officer designated by him for that purpose."

Page 28, line 4, strike out all of section 32 and insert in lieu thereof:

"Subsection (b) of section 207 of the act of September 23, 1950, as amended (64 Stat. 974), is amended by adding at the end of that subsection three additional sentences reading as follows: 'The local educational agency affected may file with the court a petition to review such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for